

REMARKS

The Office Action mailed April 10, 2008, set an initial one-month period of response. Submitted herewith is a petition under 37 CFR § 1.136(a) for a Four (4) Month Extension of Time and request that Deposit Account No. 04-1679 be charged for the required fee. With the granting of this Petition, the time period to submit a timely response to this Office Action will be extended to September 10, 2008.

In the Office Action mailed April 10, 2008, the Examiner requested Applicant "to elect a single invention to which the claims must be restricted." In particular:

Applicants must elect one (1) antisense sequence and it (sic) correspondingly target [connexin 43 or connexin 31.1] for examination.

Office Action mailed April 10, 2008 at page 2.

In response to the Examiner's requirement for election, Applicants provisionally elect SEQ. ID. NO. 1 for one antisense sequence and connexin 43 for its target, with traverse.

Applicants note that their invention is directed to the use of antisense sequences which modulate expression of a connexin protein for ophthalmic related uses and treatment.

In the context of the requirement for election, the Examiner made comments regarding Qiu et al. [Current Biology Vol. 13: 1697-1703, 9/30/03]. Applicants disagree with the Examiner's comments regarding a potential prior art effect Qui *et al* on Applicants' elected invention or any claims directed to that invention. Applicants note further that Qui et al was cited in the International Search Report for the PCT Application (WO 2005/053600) upon which this U.S. National Stage Application is based as a Category A reference ("document defining the general state of the art which is not considered to be of particular relevance").

Applicants request that the Examiner's search be expanded to other sequences upon a finding of allowable species.

In particular, Applicants note that SEQ. ID. NO. 1 is a 30 mer oligonucleotide which targets the sequence of human connexin 43. A nucleotide sequence for human connexin 43 is set forth in the specifications as SEQ. ID. NO. 12. Accordingly, Applicants request that the search be extended to any antisense sequences targeting human connexin 43.

The Commissioner is hereby authorized to charge the requisite fees, or any fees in connection with this application during its entire pendency, or to credit any overpayment, to Deposit Account No. 04-1679.

Respectfully submitted,

By:



Suzanne L. Biggs
Reg. No. 30,158

DUANE MORRIS LLP
101 West Broadway, Suite 900
San Diego, CA 92101-8285
(O) (619) 744.2200
(F) (619) 744.2201

DM2\1564424.1